

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

| | | |
|---------------------|---|---------------|
| JOHNNY LEE LEWIS |] | |
| Petitioner, |] | |
| |] | |
| v. |] | No. 2:11-0049 |
| |] | Judge Trauger |
| DAVID MILLS, WARDEN |] | |
| Respondent. |] | |

O R D E R

The Court has before it a *pro se* § 2254 petition (Docket Entry No.1) for writ of habeas corpus, respondent's Motion to Dismiss (Docket Entry No.21) the petition, and petitioner's Traverse (Docket Entry No.30) to the Motion to Dismiss.

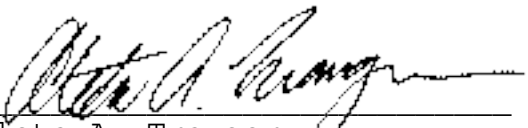
In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion to Dismiss. Accordingly, respondent's motion is GRANTED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed.R.App.P.

Any notice of appeal filed in this action shall be accompanied by a memorandum identifying specific issues for appellate review and addressing the question of why a certificate of appealability

should issue. Slack v. McDaniel, 529 U.S. 473 (2000).

It is so ORDERED.



Aleta A. Trauger
United States District Judge